

Message Text

CONFIDENTIAL

PAGE 01 KIGALI 00494 01 OF 02 221408Z

45

ACTION AF-04

INFO OCT-01 SS-14 ISO-00 L-01 INR-05 PM-03 PRS-01 SP-02

NSC-05 NSCE-00 CIAE-00 DODE-00 /036 W

----- 031421

R 211715Z AUG 75

FM AMEMBASSY KIGALI

TO SECSTATE WASHDC 3633

INFO AMEMBASSY KINSHASA

C O N F I D E N T I A L SECTION 1 OF 2 KIGALI 494

LIMDIS

E.O. 11652: GDS

TAGS: PDIP

SUBJECT: RWANDAN NON-ACCREDITATION DEFENSE ATTACHE

REFS: A) KIGALI 425 B) KIGALI 380

1. BEGIN SUMMARY: GOR PROVIDES NO ADDITIONAL INFO
"NON-ACCREDITATION" DEFATT. EMB THUS RECOMMENDS FORMAL REPLY
DEMONSTRATING USG GOOD NATURE CANNOT BE TREATED LIGHTLY. ACTION
REQUESTED: DEPT CONCURRENCE/REVISIONS TO PROPOSED EMB NOTE.
END SUMMARY

2. CURRENT STATUS: SINCE EMB APPROACH NOTED REFTTEL B, GOR HAS
NOT PROVIDED ANY ADDITIONAL BACKGROUND CONCERNING
DEFATT "NON-ACCREDITATION". FONMIN SEC GEN (AND ACTING FONMIN)
NGARUKIYINTWALI CONFIRMED TO AMB AUG 19 GOR WOULD HAVE NO
ADDITIONAL COMMENTS. HE ALSO ADMITTED FONMINISTRY HAS BEEN
UNABLE LOCATE IN ITS FILES ANY GOR NOTE CONFIRMING ACCREDITA-
TION DEFATT'S PREDECESSOR (SEE PARA 3 REFTTEL B). EMB THUS RECOM-
MENDS FORMAL RESPONSE TO GOR NOTE REGRETTING GOR DECISION,
PRESENTING SUPPLEMENTARY FACTS AND CHALLENGING GOR IMPLICATION
USG OR EMB BEAR ANY PROCEDURAL RESPONSIBILITY.

3. GOR NOTE: EMB TRANSLATION TEXT SUBSTANTIVE PORTIONS GOR
NOTE JUNE 23 IS AS FOLLOWS:

CONFIDENTIAL

CONFIDENTIAL

PAGE 02 KIGALI 00494 01 OF 02 221408Z

A.AND REFERS EMB LTR JUNE 18, 1975 ADDRESSED

MINCOMM REQUESTING FLIGHT AND LANDING CLEARANCES OVER RWANDAN TERRITORY FOR ACFT MILATT COL GROW AND HAS HONOR INFORM EMB OF FOLLOWING:

B. IN ACCORD ART. 7 VIENNA CONVENTION DIPL RELATIONS, NAMES OF MILATTS BEFORE BEING ACCREDITED RWANDA MUST BE COMMUNICATED TO GOR FOR ADVANCE APPROVAL. THUS, EMB WILL NOTE GOR NEVER RESPONDED EMB NOTES NOS. 14 AND 40 OF MARCH 22, 1974 AND JULY 11, 1974 RESPECTIVELY ADDRESSED FONMIN CONCERNING COL GROW. THAT IS TO SAY, GOR NEVER AGREED CANDIDACY COL GROW. INDEED, GOR BELIEVES MILATTS MUST RESIDE RWANDA IN ORDER PROVIDE MORE FRUITFUL COOPERATION IN THEIR APPROPRIATE FIELD.

C. THEREFORE, COL GROW NEVER HAVING BEEN APPROVED BY GOR, FONMIN BELIEVES CLEARANCE AUTHORIZATION REQUESTED FOR HIS ACFT CANNOT BE GRANTED.

4. PROPOSED EMB RESPONSE: SUBSTANTIVE PORTIONS PROPOSED EMB NOTE ARE AS FOLLOW:

A. ...REFER FONMIN'S NOTE NO. 228/09.02/14.07/CAB/PROT OF JUNE 23, 1975 INFORMING EMB OF FONMIN'S VIEW THAT COL ROBERT M. GROW HAD NOT RECEIVED GOR APPROVAL AS MILATT AND THAT REQUEST FOR A FLIGHT CLEARANCE AND LANDING IN RWANDA COULD NOT ACCORDINGLY BE APPROVED. EMB NOTES THIS EXPRESSION OF GOR VIEW AS COMMUNICATED BY FONMIN BUT ALSO WISHES EXPRESS ITS VIEWS ON MATTER IN ORDER THAT USG POSITION IS THOROUGHLY UNDERSTOOD.

B. EMB EXPRESSES ITS SURPRISE THAT GOR ONLY BELATEDLY INFORMED EMB IN KIGALI OF ITS POSITION CONCERNING NECESSITY OF POSITIVE RESPONSE BY GOR TO ACCREDITATION MILATTS. USG INTERPRETS ART. 7 VIENNA CONVENTION AS GIVING RECEIVING STATE OPTION OF REQUESTING ADVANCE AGREEMENTS TO ACCREDITATION MILATTS. USG ACCORDINGLY FOLLOWS PRACTICE OF NOT DEMANDING AGREEMENTS FOR MILATTS EXCEPT ON BASIS RECIPROCITY AND RECOGNIZES RIGHTS OTHER STATES ADOPT SIMILAR PROCEDURES. IN ABSENCE OF RWANDAN MILATT ACCREDITED TO USA, USG GUIDED BYSGOR PRACTICE. IN THIS REGARD, EMB BELIEVES ACCREDITATION OF MILATT ATTACHED TO RWANDA (COL PATRICK D. NEILOND) DURING PERIOD 1972-1974 WAS IMPLEMENTED THROUGH EMB NOTE NO. 27 OF APRIL 18, 1972 TO WHICH THERE APPEARS NO RECORD OF POSITIVE GOR REPLY. AS THERE IS NO QUESTION COL NEILOND WAS CONSIDERED BY BOTH GOR AND USG GOVERNMENTS AS FULLY ACCREDITED TO RWANDA, CONFIDENTIAL

CONFIDENTIAL

PAGE 03 KIGALI 00494 01 OF 02 221408Z

EMB BELIEVES THERE EXISTED LEGITIMATE PRESUMPTION CONCERNING ACCREDITATION OF COL. GROW AS MILATT ON BASIS GOR FOLLOWING ITS APPARENT PREVIOUS PRACTICE AND THAT OF OTHER STATES IN REGARDING ADVANCE POSITIVE AGREEMENT AS OPTIONAL.

C. IT IS FURTHER EMB CONTENTION THAT THIS PRESUMPTION STRENGTHENED BY PERMISSION GRANTED BY GOR TO VISIT OF COL GROW AND HIS STAFF TO RWANDA (INCLUDING FLIGHT CLEARANCE AND LANDING RIGHTS) DURING PERIOD OCT 25-27, 1974 TO PARTICIPATE IN

OFFICIAL CEREMONIES CONNECTED RWANDAN ARMED FORCES DAY.
FONMIN NOTIFIED PRESPECTIVE VISIT BY EMB NOTE NO. 57 OF
OCT 23, 1974 WITH COPIES TO MINDEF AND GENERAL STAFF HDQTRS
RWANDAN ARMY. RANKING MINDEF OFFICERS GAVE ORAL APPROVAL TO
VISIT AND EXTENDED FULL COOPERATION IN COORDINATING ARRANGEMENTS
AND ISSUING INVITATIONS TO COL GROW AND HIS STAFF TO ATTEND
OFFICIAL EVENTS. DURING VISIT, COL GROW PRESENTED TO LEADING
GOR OFFICIALS AND RANKING OFFICERS GOR ARMY. THROUGHOUT HIS
VISIT, COL GROW RECEIVED WITH TRADITIONAL RWANDAN HOSPITALITY
AND CORDIALITY AND NO INDICATION GIVEN OF ANY QUESTION CONCERNING
STATUS HIS ACCREDITATION.

D. EMB UNDERSTANDS GOR DESIRE MILATT'S RESIDE WITHIN
RWANDA IN ORDER PROVIDE MAXIMUM OPPORTUNITY ESTABLISH EFFECTIVE
AND FRUITFUL RELATIONS ON MILITARY LEVEL. AT SAME TIME, EMB
WISHES NOTE ESTABLISHMENT SUCH FRUITFUL RELATIONS DIFFICULT
PURSUE IN ABSENCE ANY RELATIONS EITHER RESIDENT OR NON-RESIDENT.
EMB ALSO NOTED THAT NOT WITHSTANDING FACT MILATT NON-RESIDENT
KIGALI, TOTAL FOUR OFFICERS RWANDAN ARMY RECEIVED TECHNICAL
TRAINING UNDER USG AUSPICES DURING PERIOD NOV 1972 TO AUG 1974.

CONFIDENTIAL

NNN

CONFIDENTIAL

PAGE 01 KIGALI 00494 02 OF 02 221429Z

45

ACTION AF-04

INFO OCT-01 SS-14 ISO-00 L-01 INR-05 PM-03 PRS-01 SP-02

NSC-05 NSCE-00 CIAE-00 DODE-00 /036 W

----- 031750

R 211715Z AUG 75

FM AMEMBASSY KIGALI

TO SECSTATE WASHDC 3634

INFO AMEMBASSY KINSHASA

C O N F I D E N T I A L SECTION 2 OF 2 KIGALI 494

LIMDIS

E. IN VIEW THESE CIRCUMSTANCES, EMB WISHES EXPRESS REGRET
OVER GOR DECISION CONCERNING ACCREDITATION COL GROW AS MILATT
WHICH UNFORTUNATELY, DOES NOT, IN EMB (OR USG?) VIEW, CONTRIBUTE
TO STRENGTHENING RELATIONS BETWEEN US AND RWANDA.

5. NOTATIONS: FOLLOWING NOTATIONS GERMANE TO INDICATED

PARAS PROPOSED EMB RESPONSE:

A. PARA B - BASED ON VOL. 7 DIGEST INT'L LAW (WHITEMAN)

P. 27.

B. PARA D - TRAINING WAS AT IPA (NOW DEFUNCT) AND UNDER AID RATHER THAN DEFATT AUSPICES. THUS, POINT IS SOMEWHAT STRETCHED, BUT WE DOUBT GOR AWARE OR COULD VERIFY ACTUAL DEFATT ROLE. EMB WILLING DELETE SENTENCE IF DEPT CONSIDERS ADVISABLE.

C. PARA E - SHOULD VIEW BE SPECIFIED ON BEHALF EMB OR USG?

D. EMB HAS NOT REFERRED TO FACT COL. GROW NO LONGER DEFATT (STATE 170710) ON ASSUMPTION GOR MIGHT DRAW ERRONEOUS CONCLUSIONS. WHEN SUCCESSOR NAMED, EMB WILL FIND OPPORTUNITY NOTE CHANGE AT HIGH GOR LEVEL AND SEE IF THERE ANY CHANGE IN ATTITUDE.

6. ACTION REQUESTED: CONCURRENCE/REVISIONS TO EMB PROPOSED NOTE. FRITTS

CONFIDENTIAL

NNN

Message Attributes

Automatic Decaptioning: Z
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: MILITARY ASSISTANCE, DIPLOMATIC ACCREDITATION, MILITARY ATTACHES
Control Number: n/a
Copy: SINGLE
Draft Date: 21 AUG 1975
Decaption Date: 28 MAY 2004
Decaption Note: 25 YEAR REVIEW
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: johnsorg
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975KIGALI00494
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D750291-0534
From: KIGALI
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19750832/aaaabboc.tel
Line Count: 186
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION AF
Original Classification: CONFIDENTIAL
Original Handling Restrictions: LIMDIS
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: LIMDIS
Reference: 75 KIGALI 425, 75 KIGALI 380
Review Action: RELEASED, APPROVED
Review Authority: johnsorg
Review Comment: n/a
Review Content Flags:
Review Date: 09 APR 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <09 APR 2003 by lzenbel0>; APPROVED <15 DEC 2003 by johnsorg>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
06 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: RWANDAN NON-ACCREDITATION DEFENSE ATTACHE
TAGS: PDIP
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006